

1 LESTER J. MARSTON – California SBN 081030  
2 RAPPORT AND MARSTON  
3 405 West Perkins Street  
4 Ukiah, CA 95482  
5 Telephone: 707-462-6846  
6 Facsimile: 707-462-4235  
7 e-mail: [marston1@pacbell.net](mailto:marston1@pacbell.net)

8 Attorney for Plaintiff Picayune Rancheria of Chukchansi  
9 Indians

10 DAVID J. RAPPORT – California SBN 054384  
11 RAPPORT AND MARSTON  
12 405 West Perkins Street  
13 Ukiah, CA 95482  
14 Telephone: 707-462-6846  
15 Facsimile: 707-462-4235  
16 e-mail: [drapport@pacbell.net](mailto:drapport@pacbell.net)

17 Attorney for Plaintiff Chukchansi Indian Housing Authority

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**UNITED STATES DISTRICT COURT**

**DISTRICT COURT OF ARIZONA**

29 The PICAYUNE RANCHERIA OF  
30 CHUKCHANSI INDIANS, a federally recognized  
31 Indian Tribe, and the CHUKCHANSI INDIAN  
32 HOUSING AUTHORITY, a tribally designated  
33 housing entity,

34 Plaintiffs,

35 v.

36 UNITED STATES DEPARTMENT OF  
37 HOUSING AND URBAN DEVELOPMENT,  
38 SANDRA B. HENRIQUEZ, Assistant Secretary  
39 for Public and Indian Housing, UNITED STATES  
40 DEPARTMENT OF HOUSING AND URBAN  
41 DEVELOPMENT, ROGER J. BOYD, Deputy  
42 Assistant Secretary, OFFICE OF NATIVE  
43 AMERICAN PROGRAMS, and CAROLYN J.  
44 O'NEIL, Administrator SOUTHWEST OFFICE  
45 OF NATIVE AMERICAN PROGRAMS,

46 Defendants.

Case No. 2:13-cv-01917-DGC

**UNOPPOSED MOTION TO FILE  
SUPPLEMENTAL DECLARATION OF  
DON CTIBOR IN SUPPORT OF  
PLAINTIFFS' APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND MOTION FOR  
PRELIMINARY INJUNCTION**

1           Plaintiffs hereby move the Court to permit the filing of the Supplemental Declaration of  
2 Don Ctibor in Support of Plaintiffs' Application for Temporary Restraining Order and Motion for  
3 Preliminary Injunction ("Supplemental Declaration") submitted herewith.

4           The Supplemental Declaration is submitted for the Court's consideration in ruling on the  
5 Plaintiffs' Application for a Temporary Restraining Order and Motion for a Preliminary  
6 Injunction currently scheduled for hearing on January 7, 2013.

7           Exhibit 1 to the Supplemental Declaration is a letter from defendant Carolyn O'Neal,  
8 Administrator, for the Southwest Office of Native American Programs within the United States  
9 Department of Housing and Urban Development. While the letter is dated November 14, 2013,  
10 plaintiffs did not receive the letter until December 9, 2013, after briefing was completed on  
11 plaintiffs' application and motion.

12           Plaintiffs' contend that the Supplemental Declaration and Exhibit 1 are relevant to the  
13 pending motion and plaintiffs' showing of irreparable injury and to the terms of an injunction, if  
14 the Court decides to grant one.

15           CIHA's attorney of record herein has shown the declaration and exhibit to counsel for the  
16 plaintiff Picayune Rancheria of Chukchansi Indians and Mathew Josephson, representing the  
17 defendants. Both Mr. Marston and Mr. Josephson have stated that they do not oppose the motion.

18           The Court should grant the motion because it seeks to provide the Court with relevant and  
19 admissible evidence that was not available until after the briefing for the pending motion was  
20 completed.

21 Dated:

Respectfully submitted,

/s/

David J. Rapport

Attorney for Plaintiff Chukchansi Indian  
Housing Authority

:

**UNITED STATES DISTRICT COURT  
DISTRICT COURT OF ARIZONA**

The PICAYUNE RANCHERIA OF  
CHUKCHANSI INDIANS, a federally recognized  
Indian Tribe, and the CHUKCHANSI INDIAN  
HOUSING AUTHORITY, a tribally designated  
housing entity,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT,  
SANDRA B. HENRIQUEZ, Assistant Secretary  
for Public and Indian Housing, UNITED STATES  
DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT, ROGER J. BOYD, Deputy  
Assistant Secretary, OFFICE OF NATIVE  
AMERICAN PROGRAMS, and CAROLYN J.  
O'NEIL, Administrator SOUTHWEST OFFICE  
OF NATIVE AMERICAN PROGRAMS,

Defendants.

Case No. 2:13-cv-01917-DGC

**ORDER GRANTING PLAINTIFFS'  
UNOPPOSED MOTION TO FILE  
SUPPLEMENTAL DECLARATION  
OF DON CTIBOR IN SUPPORT OF  
PLAINTIFFS' APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND MOTION FOR  
PRELIMINARY INJUNCTION**

Having considered Plaintiffs' Unopposed Motion to File Supplemental Declaration of  
Don Ctibor In Support of Plaintiffs' Application for Temporary Restraining Order and Motion  
for Preliminary Injunction and good cause appearing therefor, the Court hereby approves filing  
of said declaration.

Dated:

Honorable David G. Campbell  
United States District Court Judge